(39)

HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION (S) No. 3727 of 2007

PETITIONER : Anurag Lall, S/o Shri R.M.Lal, aged about 43 Years, R/o. Under Secretary, Public Health and Family Welfare Department, Mantralaya, Raipur (C.G.)

VERSUS

RESPONDENTS :
1. State of Chhattisgarh, Through Secretary, Department of Health, Mantralaya, D.K.S. Bhavan, Raipur (C.G.)
2. Uccha Stariya Chhanbin Samiti (in the matter of SC/ST Caste Certificate) through – its Secretary, Pt. Ravi Shankar Vishwavidyalaya Parisar, Raipur (C.G.)
3. State of Chhattisgarh, Through Secretary, Department of General Administration, D.K.S. Bhavan, Mantralaya, Raipur (C.G.)
4. Superintendent of Police Bilaspur, Distt. Bilaspur (C.G.)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

Single Bench : Hon'ble Justice Shri Satish K. Agnihotri.

Present: Shri Sunil Otwani, Advocate for the petitioner.
Shri Y.S.Thakur, Govt. Advocate for the State/respondents.

ORDER
(Passed on 2nd day of July, 2007)

1. The petitioner, by this petition, is not challenging any particular order but seeks a writ of mandamus against the respondent no. 2 to supply a copy of the report of the respondent no. 4. The petitioner claims to be a member of tribal community known as "Gond" duly notified as Scheduled Tribe under the provisions of Constitution (Scheduled Tribes) 1950, issued by the President of India in exercise of its power conferred by Clause (1) of Article 342 of the Constitution of India vide notification bearing no. SRO 510 dated 6.9.1950.

2. I have heard learned counsel appearing for the petitioner and perused pleadings and documents appended thereto. It appears that the dispute with regard to the caste of the petitioner is pending consideration before the Caste Scrutiny Committee i.e. the respondent No. 2. In the process, the investigation was made through the respondent No. 4 and the respondent No. 4 has submitted its report.

3. By this petition, the petitioner seeks a writ for supply of a copy of report submitted by the respondent No. 4. The Caste Scrutiny Committee is under an obligation, in view of the judgment and order passed by the Supreme Court in the matter of **Kumari Madhuri Patil and another v. Addl. Commissioner, Tribal Development and others**[1] and in the case of **State of Maharashtra & others Vs. Ravi Prakash Babulalsingh Parmar & Anr**[2], to supply relevant documents including the report of the Superintendent of Police. No order has been passed by the respondent No. 2. Thus, no cause of action has yet arisen.

4. The petition is premature in absence of any cause of action. Thus, this petition cannot be entertained at this stage. Accordingly, this petition is dismissed. However, the petitioner is at liberty to take recourse to appropriate steps, if so advised.

Sd/-
Satish K. Agnihotri
Judge

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1. (1994) 6 SCC 241
2. 2006 AIR SCW 6093

Amit